

## EU Trademarks are changing!

On 23<sup>rd</sup> of March 2016, the new EU Trademark Law will enter into force and will change some rules related to the registration of EU Trademarks (also known as CTMs).

Except for the fact that the Office for Harmonisation in the Internal Market (OHIM) will become the European Union Intellectual Property Office (EUIPO) and that the Community Trade Mark (CTM) will be renamed as the European Union Trade Mark (EUTM), the other changes include the following:

### 1. An end to ‘one price for one application for three classes’

The new EU Trademark application fees will be 850 EUR for one class.

Each additional class will be charged individually as below:

Number of classes	Current official fees (in EUR)	New official fees (in EUR)
1	900	850
2	900	900
3	900	1050
4	1050	1200
Each additional class	+ 150	+150

### 2. Greater clarity in class headings

The description of goods and services must be sufficiently ‘clear and precise’ to determine the scope of protection of the trademark. In practice this means that the class headings will be interpreted literally.

### 3. No “graphic representation” requirement

An EU trademark is not required to be represented graphically, provided that it can be represented in a manner which enables the authorities and public to determine the clear and precise subject matter of the protection. Therefore, it is possible to register non-traditional marks, such as hologram and motion marks in line with digital branding strategies.

#### 4. Greater protection against counterfeit goods in transit

The reforms seek to afford trademark holders greater protection against goods in transit in the EU that infringe their trademark rights, e.g. counterfeit goods. This will include allowing trademark holders to prevent, by means of customs enforcement, goods from passing through the EU where those goods bear without authorisation, identical or indistinguishable marks from the EU trademark. The package will also provide for the right to act against infringing preparatory acts; for example, the use of packaging, labels, tags and any other features to which the infringing mark will be affixed, so long as those features will be used in such a way as to infringe the trademark rights.

#### 5. Lower renewal fees

Number of classes	Current official fees (in EUR)	New official fees (in EUR)
1	1350	850
2	1350	900
3	1350	1050
4	1750	1200
Each additional class	+400	+150

For further advice or insight into the new EU Trademark system and its implications for your trademark portfolio, do not hesitate to send us an email to [info@ipcyprus.com](mailto:info@ipcyprus.com).

#### **IP Cyprus**

*Ioannides, Cleanthous & Co LLC*

4 Prometheus Street | 1<sup>st</sup> floor, 1065 | Nicosia – Cyprus

[info@ipcyprus.com](mailto:info@ipcyprus.com)